

**EXHIBIT 15**

- Deposition of Marcel Moreau, pgs. 644, 650-651 (April 10, 2012)

Marcel G. Moreau

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: METHYL TERTIARY BUTYL  
ETHER ("MTBE") MDL No. 1358  
Products Liability Litigation (SAS)

This Document Relates to:

CITY OF FRESNO V. CHEVRON, U.S.A.,  
INC., et al.,  
Case No. 04 Civ 4973 (SAS)

TUESDAY, APRIL 10, 2012

Videotaped Deposition of MARCEL G. MOREAU,  
Expert Witness, Volume III, held at the Law Offices  
of Sheppard Mullin Richter & Hampton, LLP Four  
Embarcadero, 17th Floor, San Francisco, California,  
beginning at 9:07 a.m., before Sandra Bunch  
VanderPol, FAPR, RMR, CRR, CSR #3032

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1 BE IT REMEMBERED that on Tuesday, the 10th day  
2 of April, 2012, commencing at the hour of 9:07 a.m. in  
3 the Law Offices of Sheppard Mullin Richert & Hampton,  
4 Four Embarcadero, 17th Floor, San Francisco,  
5 California, before me, Sandra Bunch VanderPol, a  
6 Certified Shorthand Reporter in and for the State of  
7 California, personally appeared

8 MARCEL G. MOREAU,  
9 called as an expert witness herein, who, having been  
10 duly sworn, was thereupon examined and interrogated as  
11 hereinafter set forth.

12 --o0o--

13 THE VIDEOGRAPHER: Today's date is  
14 April 10th, 2012, and the time is 9:07 a.m. This  
15 video deposition is being held in San Francisco,  
16 California, in regards MTBE, City of Fresno versus  
17 Chevron USA, Incorporated, et al., for the United  
18 States District Court, Southern District of New York.  
19 The deponent is Marcel Moreau, Volume III.

20 Counsel will you please identify yourselves.

21 MR. ANDERSON: Jon Anderson, of Latham &  
22 Watkins, for ConocoPhillips.

23 MS. WINTTERLE: Rachel Wintterle, LeClair  
24 Ryan, for Nella Oil Products.

25 MR. MROZ: Good morning. Scott Mroz,

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1 BY MR. CORRELL:

2 Q. But you don't cite to any deposition  
3 testimony in your Site Specific Reports, do you?

4 A. We do not -- we did not review the  
5 deposition testimony until after this report was  
6 written.

7 Q. So, therefore, you didn't rely on the  
8 deposition testimony in issuing your expert opinions  
9 in your reports?

10 MS. O'REILLY: Vague and ambiguous.

11 THE WITNESS: With regard to Fresno and this  
12 particular case, I think it's fair to say that the  
13 deposition testimony of owners and operators of these  
14 facilities did not figure into the Site Specific  
15 Report.

16 BY MR. CORRELL:

17 Q. And you, sir, did not make -- in  
18 looking at the site specific issues, did not reach  
19 any opinions whether any specific owner or operator  
20 would have changed his behavior based upon additional  
21 warnings or instructions, correct?

22 MS. O'REILLY: Vague and ambiguous.

23 THE WITNESS: Sorry. Can I hear that  
24 question again.

25 (Record read as follows: QUESTION: And

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1           We did discuss that with Mr. Stack at some  
2   length in last week's deposition, if you want to  
3   review that testimony.

4   BY MR. CORRELL:

5           Q.       I did review that testimony. But in  
6   reviewing that testimony, I don't recall seeing any  
7   opinions about specific operators or owners.

8           A.       Ah, sorry. Sorry. We did not get  
9   into specific owners or operators. I was thinking of  
10   the issue of a simple warning was probably not  
11   enough; that you would also need to provide carrots  
12   and sticks to actually sort of change behavior.

13          Q.       And so I don't want to replot any of  
14   that old ground. But I -- so, now after reviewing  
15   your rebuttal report, and everything else, is it fair  
16   to say that you have no -- you are offering no  
17   opinions in this case that any specific owner or  
18   operator at any one of the 26 sites in issue would  
19   have changed his or her behavior if the defendants  
20   had provided additional warnings and instructions to  
21   him or her?

22           MS. O'REILLY: Asked and answered.  
23   Misstates testimony. Vague. Ambiguous. Overbroad.  
24   Argumentative.

25          THE WITNESS: As I'm sitting here right now,

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1 I don't have any opinions to offer as to whether any  
2 owner/operators at any of the facilities at issue in  
3 this case -- or that I have reviewed in this case,  
4 would have changed their behavior had they received  
5 an appropriate warning.

6 BY MR. CORRELL:

7 Q. I'd like now, sir -- just a few more  
8 questions, and go to the Expert Site Specific Report.  
9 But before we get to the appendices. And I'm  
10 specifically on page 4 at the bottom.

11 A. Okay.

12 Q. And you say, "A California study  
13 found that 92 percent of release incidents were  
14 discovered because of the presence of subsurface  
15 contamination rather than the use of commonly  
16 utilized leak detection methods." And then you cite  
17 to the "Analysis of California in UST and LUST  
18 Programs and the Impacts of MTBE and Ethanol,"  
19 correct?

20 A. That footnote got split up. The rest  
21 of that footnote continues on page 5.

22 Q. Yes.

23 A. Okay. I didn't realize that before.

24 (Exhibit No. 25 was marked.)

25 ///

CERTIFICATE OF REPORTER

I, SANDRA BUNCH VANDER POL, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth and nothing but the truth in the within-entitled cause;

That said deposition was taken down in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

That before completion of the deposition, review of the transcript was requested. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed are appended hereto.

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

DATED: APRIL 18, 2012



SANDRA BUNCH VANDER POL, CSR #3032